



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) Third and Final Account and Report of Status of Administration and Petition for Settlement Thereof; (2) for Allowance of Compensation for Ordinary Services by Executor; (3) for Allowance of Compensation for Extraordinary Services by Executor; (4) for Allowance of Ordinary Services by Attorney; (5) for Reimbursement of Costs Advanced; and (6) for Final Distribution

DOD: 5/10/2006		VIRGINIA BOYAJIAN-MORSE , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 9/1/09 – 3/6/14	
Cont. from		Accounting - \$316,997.21	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$316,638.78	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$ 51,826.58	
<input checked="" type="checkbox"/>	Inventory	Executor (statutory) - \$13,445.33	
<input checked="" type="checkbox"/>	PTC	Executor x/o - \$1,000.00 (per Local Rule for sale of real property)	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$5,007.33	
<input checked="" type="checkbox"/>	Aff.Mail	(remaining statutory. \$8,445.33 was already paid per court order.)	
	Aff.Pub.		
	Sp.Ntc.	Costs - \$850.00 (filing fees)	
	Pers.Serv.		
	Conf. Screen	Closing - \$450.00	
<input checked="" type="checkbox"/>	Letters	9/5/2006	
	Duties/Supp	Distribution, pursuant to Decedent's Will, is to:	
	Objections	Virginia Boyajian-Morse - \$11,024.64	
	Video Receipt	Diana Snider - \$11,024.64	
	CI Report	Elizabeth Boyajian - \$9,024.64	
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	N/A	
			Reviewed by: KT
			Reviewed on: 4/21/14
			Updates:
			Recommendation:
			File 1 – Boyajian

		PUBLIC GUARDIAN , Guardian of the Estate, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
		Petitioner states at the time the Public Guardian was appointed, there were over \$200,000 in funds held in two blocked accounts with MetLife Insurance and Prudential. Public Guardian was instructed to close the blocked accounts and deposit the funds into its trust account. A total of \$249,675.32 was received.	
	Aff.Sub.Wit.		1. Need clarification: Petitioner does not state how title to the vehicle would be held.
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCC/JEA		
	Citation		
	FTB Notice	<p>The Public Guardian currently sends \$300/month to Elena Pena, Guardian of the Person, to help with expenses of the minor. Ms. Pena is also the payee for the minor's Social Security.</p> <p>Based on the minor's age (13), over the course of the next five years, the Public Guardian will distribute \$18,000 for monthly expenses and approx. \$3,000 for additional misc. expenses for the minor. Because the bulk of the money will not be used for the minor at this time, it would be in her best interest to invest her assets through Regency Investment Advisors (RIA). The proposed portfolio has suggested an allocation of 60% stocks and 40% bonds, which would include CDs and money market funds, if appropriate. The assumptions are conservative and are intended to show the benefits of matching the most appropriate allocation with the objectives of the Public Guardian. The Asset Allocation Analysis attached illustrates that diversification of assets in to a 60/40 mix can have a potential annual return of 7.09%, which is significantly greater than the 2.10% return figure for CDs. Regency has agreed to a money management fee for Public Guardian accounts of 0.07% annually or 0.1750% quarterly and can be automatically deducted.</p> <p>Petitioner states Regency would be investing \$200,000, leaving a balance of approx. \$49,000 in the current trust account. This amount should adequately fund the monthly distributions and allow for the purchase of an vehicle. The guardian does not have a vehicle and relies on family and friends to provide transportation. Therefore, the Public Guardian is requesting authority to purchase a vehicle for the guardian to transport the minor up to \$20,000. The vehicle would be a fairly new economical vehicle that would allow the guardian to safely transport the minor to and from school activities, attend parent teacher conferences, transport to doctor appointments, do grocery shopping, and any other activities that would require transportation of the minor.</p> <p>Petitioner prays for an order that the Court authorize the investment of the minor's assets through the diversified portfolio presented by RIA and that the Court authorize the purchase of a small economical vehicle up to \$20,000 to be used for the minor's benefit.</p>	

Reviewed by: skc

Reviewed on: 4-21-14

Updates:

Recommendation:

File 3 – Robinson-Cervantes

Statement of Public Administrator's Disposition of Property; and Request for Discharge

DOD: 6-27-12	PUBLIC ADMINISTRATOR , Administrator under Probate Code §7660, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 8-22-12 through 1-15-14	1. Need filing fees of \$495.00 for the following items:
	Accounting: \$98,633.62	- Petition for Ex Parte Order Approving Extraordinary Commissions for the Public Administrator filed 5-16-13 (\$60.00)
Cont. from 040914	Beginning POH: \$91,448.12	- Petition of Administrator for Admission of Holographic Will to Probate and for Confirmation of Childrne as Beneficiaries filed 8-9-13 and heard on 9-18-13 and 10-2-13 (\$435.00).
Aff.Sub.Wit.	Ending POH: \$ 0.00	<u>Note:</u> As previously discussed, the §7660 reduced filing fee of \$205.00 covers the initial petition and this final petition; however, the additional matters heard during administration require filing fees.
Verified	Administrator (Statutory): \$3,945.35	Declaration filed 4-16-14 states that at the time this matter was filed and the petitions mentioned above were heard, it was Petitioner's understanding that the \$205 covered all petitions. Based on another §7660 matter, Petitioner was informed that further fees would be due for the interim petitions. It was petitioner's understanding that the above petitions, having been already heard and accepted by the Court, would not require fees. This estate has already been liquidated and there are no funds with which to pay the above fees.
Inventory	Administrator (Extraordinary): \$1,248.00 (for sale of personal property and tax preparation pursuant to Order dated 5-23-13)	Reviewed by: skc
PTC	Attorney (Statutory): \$3,945.35	Reviewed on: 4-21-14
Not.Cred.	Bond fee: \$246.59 (ok)	Updates:
Notice of Hrg	Petitioner states that although the decedent's will dated 9-21-90 was originally admitted to probate, a holographic will was found dated 9-21-90 which devised the estate to the decedent's wife. A petition was filed and the matter was heard on 10-2-13. Pursuant to the Court's order dated 10-2-13 the 1990 will was admitted to probate; however, because the decedent and his wife later divorced, distribution would proceed via intestacy. Therefore, the decedent's three children were adjudged to be the heirs to the estate.	Recommendation:
Aff.Mail	Distribution was therefore made pursuant to Probate Code §7663 as follows:	File 6 – Broome
Aff.Pub.	Jack Jackson aka John Broome II: \$12,846.35	
Sp.Ntc.	Derek Jackson aka Derek Broome: \$14,346.34	
Pers.Serv.	Stephanie Jackson aka Stephanie Broome: \$14,346.34	
Conf. Screen	Petitioner states all fees and commissions and expenses have been paid, and the residue was paid to the heirs. All property has now been liquidated and disbursed and the Public Administrator requests that this estate be settled and closed and that the Public Administrator be discharged.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

(1) First and Final Report of Status of Administration; Petition for Settlement Thereof
and (2) for Reimbursement of Costs Advanced and (3) Petition to Close Estate

DOD: 2-20-13		<p>ROBERT O. NICOLAYSEN, II, Son and Administrator with Full IAEA without bond, is Petitioner.</p> <p>Petitioner states that due to the only asset of the estate being real property not actually being owned by the decedent, there was nothing to administer. The property was actually owned by a trust in the name of the decedent's wife.</p> <p>Therefore, an Inventory and Appraisal was never filed for this estate since there are no assets.</p> <p>The estate has no balance to compute a statutory compensation for either party.</p> <p>Attorney requests reimbursement for \$1,245.00 in costs including filing, publication, certified letters. Petitioner understands and acknowledges that he is responsible for the payment of costs advanced.</p> <p>Petitioner requests that this Court order that:</p> <ol style="list-style-type: none"> The administration of the estate be closed. All acts and proceedings of Petitioner as Administrator as set forth in this report be confirmed and approved; Petitioner be authorized and directed to pay The Law Offices of Philip M. Flanigan \$1,245.00 as payment for costs advanced to the estate; Distribution of the estate in Petitioner's hands and any other property of the decedent not now known or discovered be made to the persons entitled to it as set forth in this petition; and; For such other and further relief as the Court may deem just and proper. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need allowance or rejection of the six (6) creditor's claims filed in the estate pursuant to Probate Code §9250 and Cal. Rules of Court 7.401. <u>Note:</u> The creditors appear to have been given notice of this hearing pursuant to Probate Code §11000; however, notice of allowance or rejection is required by law. See also mandatory Judicial Council Form DE-174. This petition does not address the six (6) creditor's claims filed in the estate at all and does not state whether any action was taken in connection therewith by the Administrator or by the creditors (i.e., lawsuit) pursuant to Cal Rules of Court 7.403. Petitioner requests an omnibus clause in the order that that distribution of any other property not now known be made to the persons entitled to it as set forth in the petition. However, as stated above, the petition does not address the creditor's claims. Pursuant to Probate Code §11422, if property in the estate is insufficient to pay all the debts, the order shall specify the amount to be paid to each creditor. If an omnibus clause is requested, the creditor's claims must be addressed and included. Further, the order must be complete in itself and cannot reference or point to the petition for direction on future distribution, if any. See Local Rule 7.6.1.A. <p>Declaration of Attorney Flanigan filed 4-18-14 requests an additional 45 day continuance to address the above items.</p>	
Cont. from 032414				
<input type="checkbox"/>	Aff.Sub.Wit.			
✓	Verified			
<input type="checkbox"/>	Inventory			X
<input type="checkbox"/>	PTC			X
✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
✓	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
✓	9202			
✓	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
✓	FTB Notice			

Reviewed by: skc
Reviewed on: 4-21-14
Updates:
Recommendation:
File 10 – Nicolaysen

14 Theola Louise Baker (Estate)
Atty Lee, Curtis (pro per former Administrator)
Atty Kruthers, Heather (for Public Administrator)

Case No. 03CEPR01573

Status Hearing Re: Filing of the Account and/or Petition for Final Distribution

DOD: 10/19/87		<p>CURTIS LEE, son, was appointed Administrator with Will Annexed with bond in the amount of \$9,000.00 on 01/13/04.</p> <p>Bond was filed 02/19/04 and Letters were issued on 03/30/04.</p> <p>I & A showing the value of the estate at \$9,000.00 was filed on 03/22/04 and Reappraisal for Sale I & A filed 04/01/01 showed the value of the estate at \$13,000.00.</p> <p>On 8/29/12 the attorney of record, Darlene Kelly, was relieved as counsel.</p> <p>Minute Order from 8/29/12 the court set an Order to Show Cause hearing regarding Curtis Lee's failure to file an accounting. Curtis Lee was ordered to be personally present on 9/28/12. Counsel need not appear.</p> <p>On 9/28/12 there were no appearances.</p> <p>Minute order dated 11/16/12 states the court on its own motion removes Curtis Lee as the administrator and appoints the Public Administrator.</p> <p>Letters for Successor Administrator with Will Annexed were issued for the Public Administrator on 12/11/2012.</p> <p>The bonding company was mailed notice of Curtis Lee's removal as Administrator on 12/12/12.</p> <p>Former Status Report of the Public Administrator filed on 7/16/2013 states upon receiving the file Administrator and his attorney reviewed it to determine what the asset were, and what surcharge would be appropriate against the former administrator. However, upon further investigation, it appears that if Mr. Lee misappropriated any amount, it may only be \$3,000. In addition, he may be the only heir. The Public Administrator is sorting through County records to determine if there is any documentation to support his claims. Therefore the successor Administrator requests this matter be set out for 30 days, or a date convenient to the court.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: On 3/14/14 an Order was entered surcharging the former Administrator, Curtis Lee in the sum of \$2,459.00.</p> <p>1. Need Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<p>Cont. from 092812, 111612, 011813, 071913, 082313, 091213, 101713, 112013, 011514, 021914</p>			
Aff.Sub.Wit.			
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Inventory			
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Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Former Status Report of the Public Administrator filed on 8/5/2013 states the Public Administrator did not locate the whereabouts of the other three beneficiaries. The California Inmate Locator sited and TLO did not show anything for Billie Lee or Willie Lee.

If the Court accepts the allegations of Curtis Lee as set forth in his declaration filed on 12/2/2003, then the Court can determine that Mr. Lee is the only heir. Thus, no other person would be harmed by any purposeful or inadvertent misconduct while acting as administrator.

County Counsel confirmed Probate Referee Rick Smith that he was paid for his appraisal. Mr. Lee would still be responsible for fees owing to the Court.

If the Court does not accept Mr. Lee's allegations, the Public Administrator would need guidance from the Court to continue administering the estate.

Note:

The decedent died on 10/19/1987. It appears she was survived by her four children, former Administrator, Curtis Lee, Billie Lee, Jr., Willie Lee, Jr. and Bertha Lee. In Curtis Lee's declaration filed on 12/3/2003 he states he last saw his sister Bertha at their mother's (decedent) funeral. Mr. Lee states he last saw his brother Willie in 1995 and that he last saw his brother Billie in approximately 1999.

Decedent's Will devised her entire estate to her four children, Curtis, Bertha, Billie and Willie. Since they all survived, regardless if they subsequently died, they (or their estates) are entitled to a share of this estate.

Probate Code § 11850 allows for property to be distributed to the County Treasury where the whereabouts of the distributee is unknown. Therefore it appears that if the whereabouts of the Bertha, Willie and Billie (who are entitled to distribution because they survived their mother) is unknown then the share that would go to Bertha, Billie and Willie should be deposited with the County Treasury.